

## PATENT COOPERATION TREATY

31

PCT

NOTIFICATION OF THE RECORDING  
OF A CHANGE(PCT Rule 92bis.1 and  
Administrative Instructions, Section 422)

From the INTERNATIONAL BUREAU

To:

ELLIS Terry J.  
Ellis Enz Splits "LLC"  
1480 Riverview Drive  
Lima, Oh 45805  
United States of America

|  |   |
|--|---|
| Date of mailing (day/month/year)<br>09 October 2003 (09.10.03) | IMPORTANT NOTIFICATION  |
| Applicant's or agent's file reference<br>AD136/2001            |   |
| International application No.<br>PCT/US03/18806                | International filing date (day/month/year)<br>16 June 2003 (16.06.03) |

|   |  |   |
|---|--|---|
| 1. The following indications appeared on record concerning:   |  |   |
| <input type="checkbox"/> the applicant  | <input type="checkbox"/> the inventor                                | <input checked="" type="checkbox"/> the agent |
| <input type="checkbox"/> the common representative  |  |   |
| Name and Address<br>CARRITHERS, David, W.<br>Carrithers Law Office<br>One Paragon Centre<br>Suite 140<br>6060 Dutchman's Lane<br>Louisville, KY 40205<br>United States of America | State of Nationality   | State of Residence                            |
|   | Telephone No.<br>502 452 1233  |   |
|   | Facsimile No.<br>502 456 2242  |   |
|   | Teleprinter No.  |   |
| 2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:   |  |   |
| <input checked="" type="checkbox"/> the person  | <input type="checkbox"/> the name                                    | <input type="checkbox"/> the address          |
| <input type="checkbox"/> the nationality  | <input type="checkbox"/> the residence                               |   |
| Name and Address<br>ELLIS Terry J.<br>Ellis Enz Splits "LLC"<br>1480 Riverview Drive<br>Lima, Oh 45805<br>United States of America  | State of Nationality   | State of Residence                            |
|   | Telephone No.<br>502 452 1233  |   |
|   | Facsimile No.<br>502 456 2242  |   |
|   | Teleprinter No.  |   |
| 3. Further observations, if necessary: (67)   |  |   |
| 4. A copy of this notification has been sent to:  |  |   |
| <input checked="" type="checkbox"/> the receiving Office  | <input checked="" type="checkbox"/> the designated Offices concerned |   |
| <input checked="" type="checkbox"/> the International Searching Authority   | <input type="checkbox"/> the elected Offices concerned               |   |
| <input type="checkbox"/> the International Preliminary Examining Authority  | <input type="checkbox"/> other:                                      |   |
| The International Bureau of WIPO<br>34, chemin des Colombettes<br>1211 Geneva 20, Switzerland   | Authorized officer<br>S. Mandallaz                                   |   |
| Facsimile No. (41-22) 338.87.20   | Telephone No. (41-22) 338 9661                                       |   |

## INTERNATIONAL SEARCH REPORT

International application No.

PCT/US03/18806

**A. CLASSIFICATION OF SUBJECT MATTER**

IPC(7) : B23P 19/04; B25C 11/00; B25D 1/04; F16B 15/00  
 US CL : 29/402.09, 267; 411/466; 81/20; 254/26R; 7/146

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)  
 U.S. : Please See Continuation Sheet

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

| Category * | Citation of document, with indication, where appropriate, of the relevant passages   | Relevant to claim No.: |
|------------|--|------------------------|
| X          | US 2,754,516 A (GASTROM) 17 July 1956 (17.07.1956). See Figures 5-9. Note plate (25), spikes (33), and "pull tabs" disposed in respective windows in the plate and spaced apart from each other along the longitudinal axis of the plate on opposite sides of central hole (28), the free ends of the pull tabs facing in opposite directions. | 5, 6, 8, 10, 11        |
| X          | US 2,120,049 A (WINSHIP) 07 June 1938 (07.06.1938). See Figure 7. Note plate (33), spikes (23), and "pull tabs" (25) longitudinally spaced apart from each other and disposed in respective windows in the plate, the free ends of the pull tabs facing each other.  | 5-7, 10, 11            |
| X          | US 2,383,135 A (LANG) 21 August 1945 (21.08.1945). See Figure 3. Note plate (2), spikes (3), and "pull tabs" (2a, 2b) spaced apart and facing in opposite directions.  | 5, 6, 8                |
| X          | US 5,632,128 A (AGAR) 27 May 1997 (27.05.1997). See Figures 1 and 2. Note plate (10), spikes (18), and "pull tabs" (30).   | 5                      |
| X          | US 792,719 A (MOLKENTHIN) 20 June 1905 (20.06.1905). See Figures 1 and 2. Note curved tool head (1) having first terminal end (11) and second terminal end (15), hammer (12) having impact surface (13), and the slot disposed between the hammer and the second terminal end.   | 12-15, 17, 19          |



Further documents are listed in the continuation of Box C.



See patent family annex.

\* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T"

later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X"

document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y"

document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&amp;"

document member of the same patent family

Date of the actual completion of the international search

16 October 2003 (16.10.2003)

Date of mailing of the international search report

31 OCT 2003

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450

Facsimile No. (703)305-3230

Authorized officer

David P. Bryant

Telephone No. (703) 308-1148

*Sheila H. Venable*  
 Paralegal Specialist  
 Tech. Center 3700

Form PCT/ISA/210 (second sheet) (July 1998)

## INTERNATIONAL SEARCH REPORT

## C. (Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

| Category * | Citation of document, with indication, where appropriate, of the relevant passages   | Relevant to claim No. |
|------------|--|-----------------------|
| X          | US 5,255,575 A (WILLIAMS) 26 October 1993 (26.10.1993). See Figures 1 and 2. Note curved tool head (104), handle (102), slot (110), and hammer (106). Figures 3A-3N depict various detachable "plugs" that can be mounted in the slot. | 12-22                 |
| A          | US 5,459,917 A (SMITH) 24 October 1995 (24.10.1995). See the Figures, which depict a tool and method for removing a spiked plate from a piece of wood.   | 1-22                  |
| A          | US 868,733 A (WALKER) 22 October 1907 (22.10.1907). See the Figures.   | 12-22                 |
| A          | US 1,182,348 A (CHARLEY) 09 May 1916 (09.05.1916). See the Figures.  | 12-22                 |
| A          | US 1,290,431 A (WAITE) 07 January 1919 (07.01.1919). Note end (5) having a slot (6) therein.   | 12-22                 |
| A          | US 2,711,109 A (GILLSTROM) 21 June 1955 (21.06.1955). Note slotted end (12) of lever tool (18).  | 12-22                 |
| A          | US 1,925,238 A (FARIES et al.) 05 September 1933 (05.09.1933). Teaches anti-splitting device for railroad tie end.   | 1-11                  |
| A          | US 6,286,570 B1 (MURRAY et al.) 11 September 2001 (11.09.2001). Teaches anti-splitting device (1) for log (L).   | 1-22                  |
| A          | US 5,244,328 A (HIGGINS) 14 September 1993 (14.09.1993). Teaches anti-splitting device (10) for log (L).   | 1-22                  |

**Continuation of Item 4 of the first sheet:**

The title is too long. The new title is:

**SPIKED PLATE AND HAND TOOL FOR REMOVAL**

**Continuation of B. FIELDS SEARCHED Item 1:**

29/402.09, 267, 402.14, 432, 426.4, 426.5, 525.01, 525.08; 411/466, 457, 461, 467, 468, 478; 81/20, 25; 254/26R, 25, 28; 7/146, 143

# PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

|  |   |   |  |
|--|---|---|--|
| Applicant's or agent's file reference<br>AD136/2001  |   | <b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) |  |
| International application No.<br>PCT/US03/18806  | International filing date (day/month/year)<br>16 June 2003 (16.06.2003) | Priority date (day/month/year)<br>14 June 2002 (14.06.2002)   |  |
| International Patent Classification (IPC) or national classification and IPC<br>IPC(7): B23P 19/04; B25C 11/00; B25D 1/04; F16B 15/00 and US Cl.: 29/402.09, 267; 411/466; 81/20; 254/26R; 7/146   |   |   |  |
| Applicant<br>ELLIS ENZ SPLITS, LLC.  |   |   |  |
| <p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>3</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of ___ sheets.</p>  |   |   |  |
| <p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of report with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p> |   |   |  |
| Date of submission of the demand<br>14 January 2004 (14.01.2004)   |   | Date of completion of this report<br>15 April 2005 (15.04.2005)   |  |
| Name and mailing address of the IPEA/US<br>Mail Stop PCT, Attn: IPEA/US<br>Commissioner for Patents<br>P.O. Box 1450<br>Alexandria, Virginia 22313-1450<br>Facsimile No. (703) 305-3230  |   | Authorized officer <i>Sharon N. Greene for</i><br>David P. Bryant<br>Telephone No. 703-308-1146                               |  |

**I. Basis of the report**

## 1. With regard to the elements of the international application:\*

- ☒ the international application as originally filed.
- ☒ the description:  
pages 1-13 \_\_\_\_\_ as originally filed  
pages NONE \_\_\_\_\_, filed with the demand  
pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_.
- ☒ the claims:  
pages 14-16 \_\_\_\_\_, as originally filed  
pages NONE \_\_\_\_\_, as amended (together with any statement) under Article 19  
pages NONE \_\_\_\_\_, filed with the demand  
pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_.
- ☒ the drawings:  
pages 1-8 \_\_\_\_\_, as originally filed  
pages NONE \_\_\_\_\_, filed with the demand  
pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_.
- ☐ the sequence listing part of the description:  
pages NONE \_\_\_\_\_, as originally filed  
pages NONE \_\_\_\_\_, filed with the demand  
pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages NONE
- ☐ the claims, Nos. NONE
- ☐ the drawings, sheets/fig NONE

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. STATEMENT**

|                               |                             |     |
|-------------------------------|-----------------------------|-----|
| Novelty (N)                   | Claims <u>1-4 and 9</u>     | YES |
|                               | Claims <u>5-8 and 10-22</u> | NO  |
| Inventive Step (IS)           | Claims <u>1-4 and 9</u>     | YES |
|                               | Claims <u>5-8 and 10-22</u> | NO  |
| Industrial Applicability (IA) | Claims <u>1-22</u>          | YES |
|                               | Claims <u>NONE</u>          | NO  |

**2. CITATIONS AND EXPLANATIONS**

Claims 5, 6, 8, 10, and 11 lack novelty under PCT Article 33(2) as being anticipated by GASSTROM. See Figures 5-9. Note plate (25), spikes (33), and "pull tabs" disposed in respective windows in the plate and spaced apart from each other along the longitudinal axis of the plate on opposite sides of central hole (28), the free ends of the pull tabs facing in opposite directions.

Claims 5-7, 10, and 11 lack novelty under PCT Article 33(2) as being anticipated by WINSHIP. See Figure 7. Note plate (33), spikes (23), and "pull tabs" (25) longitudinally spaced apart from each other and disposed in respective windows in the plate, the free ends of the pull tabs facing each other.

Claims 5, 6, and 8 lack novelty under PCT Article 33(2) as being anticipated by LANG. See Figure 3. Note plate (2), spikes (3), and "pull tabs" (2a, 2b) spaced apart and facing in opposite directions.

Claim 5 lacks novelty under PCT Article 33(2) as being anticipated by AGAR. See Figures 1 and 2. Note plate (10), spikes (18), and "pull tabs" (30).

Claims 12-15, 17, and 19 lack novelty under PCT Article 33(2) as being anticipated by MOKKENTHIN. See Figures 1 and 2. Note curved tool head (1) having first terminal end (11) and second terminal end (15), hammer (12) having impact surface (13), and the slot disposed between the hammer and the second terminal end.

Claims 12-22 lack novelty under PCT Article 33(2) as being anticipated by WILLIAMS. See Figures 1 and 2. Note curved tool head (104), handle (102), slot (110), and hammer (106). Figures 3A-3N depict various detachable "plugs" that can be mounted in the slot.

Claims 1-4 and 9 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the specifically claimed method for arresting a split in a log using the spiked plate (as recited in claim 1), or the specifically claimed means on each pull tab for spacing them a selected distance from the surface of an object impaled by the spikes (as recited in claim 9).

Claims 1-22 meet the criteria set out in PCT Article 33(4), and thus meet industrial applicability because the subject matter claimed can be made or used in industry.

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:  
DAVID W. CARRITHERS  
CARRITHERS LAW OFFICE  
ONE PARAGON CENTRE  
6060 DUTCHMAN'S LANE, SUITE 140  
LOUISVILLE, KY 40205

## PCT

### NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

|                                     |                    |
|-------------------------------------|--------------------|
| Date of Mailing<br>(day/month/year) | <b>29 APR 2005</b> |
|-------------------------------------|--------------------|

Applicant's or agent's file reference

AD136/2001

#### IMPORTANT NOTIFICATION

International application No.

PCT/US03/18806

International filing date (day/month/year)

16 June 2003 (16.06.2003)

Priority date (day/month/year)

14 June 2002 (14.06.2002)

Applicant

ELLIS ENZ SPLITS, LLC.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/US

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